As the number of these international unions increases and as the importance of international regulation gains upon local regulation within the state, much in the same way as the Interstate Commerce Commission has increased in importance at the expense of state commissions, international control of international activities will have become a fact.

This growth of international unions brings with it a growth of international law applying to their control and action, but this international law is growing up in a quite unobtrusive way as a result of the necessity of finding a system to meet the needs of the case. Scientific experts with broad outlook meet together to formulate regulations to facilitate the development of the particular matter in which they are interested. This leads them to make mutual concessions to the representatives of the different states for the purpose of attaining the common object dear to all. And so a reasonable system of procedure is being evolved. At the capitals of the world and in strictly diplomatic concerns the smallest states proudly claim equal rank and position with the greatest, and the application of the rule requiring unanimous consent for all decisions prevents the effective handling of international affairs. International unions are quietly building up the real international law which will govern in the place of the unworkable system of international equality.

Professor Reinsch, also, discusses the effect of the growth of these international unions in preventing war. The treatment is scientific, yet not technical, so as to interest not alone the student of international law and government. Scientists, economists and those in quest of general information will read it with profit.

ELLERY C. STOWELL.

*University of Pennsylvania.*

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**Roe, Gilbert E.** *Our Judicial Oligarchy.* Pp. xiv, 239. Price $1.00. New York: B. W. Huebsch, 1912.

**Storey, M.** *The Reform of Legal Procedure.* Pp. 263. Price $1.35. New Haven: Yale University Press, 1912.

Both of these books deal with a subject of great present public interest—our judicial organization. In temper they stand in strong contrast. Mr. Roe believes the courts have forsaken their proper field of activity to usurp the functions of the legislature and that their powers should be curtailed; Mr. Storey, that conditions economic and political have so changed the circumstances of trials that we need many adjustments in our judicial system, but no overturning of our long-established institutions. The power of the courts should be increased rather than diminished. The one shows us the abuses which have developed in our courts, the other some constructive policies which may be followed for their correction.

Mr. Roe opens his book with a discussion of the very patent distrust with which the courts are now regarded by a large portion of our people. He then argues that "the courts have usurped the power to declare laws unconstitutional" —a thesis which recent studies seem to have disproved at least as to the federal judiciary. Next he defends stronger ground—that if courts pass on validity of

laws it is inevitable that the economic views of the judges must be reflected in their opinions. This is the strongest portion of the book. The argument is not one drawn from the outside but consists largely in the correlation of the arguments used by the courts themselves both in minority and majority opinions. The review of judicial legislation is so clearly featured that it cannot but disquiet even a conservative reader.

The later chapters discuss what may be the result should the legislature and executive be disposed to cut down the power of the judiciary. The author does not elaborate this portion of his discussion, but concludes that rather than arouse the other branches of government to drastic action the constitution of our courts should be changed. The expedient especially favored is the judicial recall. The recall of judicial decisions he declares would be subversive of our form of government.

Mr. Storey's book also starts with a discussion of the distrust of the courts, but he sees the remedy not in cutting down but in increasing their powers. The abuses which new conditions have brought call for reform, against which "all the forces of tradition, established habit and in many cases of personal interest are united."

First among abuses is "the law's delay," a characteristic which is beneficial so far as it discourages "hot blood suits" and insures mature deliberation but not to be defended when, as in America, it becomes an instrument for the obstruction of justice. The author suggests that the English practice be adopted by which a case cannot be put off by the attorneys because of conflicts in engagements. Cases should come off when scheduled even though this may lead, as in England, to the employment of senior and junior counsel.

Attorneys who institute frivolous or malicious prosecutions should be punished summarily by the court, but the chief relief in the number of cases brought must come by legislative action. Much has already been done here. Boundary disputes and insurance cases formerly filled the courts, but are now disappearing as a result of better legislation. Personal injury suits against common carriers and employers can largely be eliminated by the same means. Warm praise is given the employer's liability legislation, and laws making carriers insure passengers against accident are commended. Relief may come also through cutting down the length of trials by giving the judge greater power to control the examination of witnesses and the argument of counsel.

Unfortunately the delays before and during trial are too often only a beginning and the litigant must look to a succession of trials in appellate courts. The author advises a judicial organization which shall decide a case finally after one appeal and shall not allow a new trial where a mistake made involves no substantial deprivation of right. To remedy the complications arising from our system of state courts he advises the adoption of uniform laws. The last chapter discusses the lawyer's responsibilities in criminal law—both in the trial of cases and in shaping the law in the legislature.

One who wishes to modify and correct rather than to overthrow and reconstruct will find this latter book full of wise counsel. All who wish to understand the point of view and aims of the advocates of judicial changes should not neglect either.

*University of Wisconsin.* CHESTER LLOYD JONES.